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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
CHRISTOPHER LEE BURGESS,
Defendant.

MAGISTRATE CASE NO. ____________

COMPLAINT FOR VIOLATION OF:

Title 18 U.S.C. § 2252(a)(4)(B) - Possession of images of Children Engaged in Sexually Explicit Conduct

The undersigned Complainant, being duly sworn, states:

On or about August 9, 2007, within the Southern District of California, defendant CHRISTOPHER LEE BURGESS, did knowingly possess one or more matters, that is, computer hard drive(s) and computer media containing digital and computer images which contained visual depictions, that had been mailed, shipped and transported in interstate and foreign commerce, and which were produced using materials which have been mailed, shipped and transported in interstate and foreign commerce, by any means including by computer, the production of which involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct; in violation of Title 18, United States Code, Section 2252(a)(4)(B).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Christiana Huntzinger
Special Agent, NCIS

Sworn to me and subscribed in my presence this 18th day of January, 2008.

UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

I am a Special Agent with the Naval Criminal Investigative Service, and am currently assigned to the San Diego Office, and have been in this position since February 2004. I am currently assigned to the Special Operations Division of the NCIS San Diego Field Office and am a member of the Internet Crimes Against Children (ICAC) task force in San Diego, CA. I have attended and successfully completed the Criminal Investigator Training Program, and the Naval Criminal Investigative Service Special Agent Basic Training program at the Federal Law Enforcement Training Center in Glynco, GA. I graduated Cum Laude from the University of New Mexico with a Bachelor of Arts degree in Criminology and received a Master of Science degree in Forensic Science with Honors from National University. Throughout my tenure with NCIS, I have conducted or participated in numerous death, sexual assault, child pornography, narcotics, and larceny investigations. As part of my duties with the ICAC, I investigate criminal violations relating to the child exploitation and child pornography including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252(a). I have also received additional training in conducting online investigations regarding the sexual exploitation of minors, and the preservation and review of computer related evidence. Additionally, I have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media, and I have participated in the execution of numerous search warrants, probation searches and U.S. Navy Command Authorized searches, which involved child exploitation and/or child pornography offenses. This complaint is based on my own investigation as well as information received from other law enforcement officers.

Starting in or about October 2005, agents from the Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE) in conjunction with the U.S. Attorney's Office from the District of New Jersey investigated a commercial website titled "illegal CP" at URL of http://hualama.cjb.net/, accessible via the Internet at that time through another web page located at a URL of http://deadundead.info/main.html, which was accessible via the Internet. Upon examination of the contents of the website, ICE agents determined that it contained thousands of what appeared to be images of child pornography. The website contained both still images and videos of child pornography, and offered the purchase of additional videos through the website. Over the course of the investigation, agents served numerous search warrants on computer servers utilized by the operators of the illegal CP website to obtain payment information from subscribers, and were able to identify hundreds of subscribers to the commercial website. The results of these warrants located names, addresses, and credit card information for numerous subscribers to the illegal CP website. Subsequent subpoenas of credit card records revealed purchases to the illegal CP website was referenced on the credit cards statements with the term "ADSOFT".

In or about May 2007, I learned from ICE that an individual named Christopher Lee BURGESS successfully purchased access on or about July 7, 2006 to the illegal CP website that allowed him to access, download, and distribute thousands of images of child pornography. BURGESS used a Navy Federal Credit Union Visa card with account number 4063 1531 3847 1225 to make the purchase to the illegal CP website. BURGESS provided an address of 569 McIntosh Street Apt #2 Chula Vista, CA with a zip code of 91910 with the purchase. Subpoenaed credit card records obtained on January 30, 2007, for Visa card number 4063 1531 3847 1225 corresponded to a Navy Federal Credit Union checking account number 2170015701 for primary account holder Christopher Lee BURGESS, social security number: 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, with address: 569 McIntosh St Apt 2, Chula Vista, CA 91910. A review of the provided bank statements revealed debit purchases from BURGESS' account with transaction dates of December 16, 2005, and July 12, 2006 for ADSOFT.

ICE Agents learned from America Online that BURGESS had an email address of navyeagle3@aol.com, which was activated on March 4, 2006, and was still active as of May 16, 2007 with Visa credit card number 4063 1531 3847 1225. Representatives of America Online informed law enforcement agents that Internet access was provided to BURGESS' residence by Cox Communications. On August 7, 2007, Cox Communications confirmed that BURGESS still had an active Internet account through Cox.

On August 9, 2007, NCIS agents and other members of the Internet Crimes Against Children Task Force executed a federal search warrant at BURGESS' residence and located a computer containing child pornography images and videos. A brief description of several of the child pornography images and videos follows.

A photo located on BURGESS' computer depicts an approximately 2-4 year-old female with an adult male penis in her mouth. The photo angle is taken from above the child, and the child is looking at the camera while the penis is in her mouth.

One video located on BURGESS' computer begins with an approximately 11-13 year old boy standing nude in a room looking out a window with a semi-erect penis. The boy appears to receive instructions from off-camera, and begins masturbating himself. The duration of the video is of the young boy masturbating himself while looking out the window.

Another video involves three young males engaging in sexual acts on a bed, who are approximately 8-10 years old. The video begins with two of the three boys kissing one another and shortly progresses to one boy orally copulating the other boy. The third boy then joins the other two boys and is masturbated by the boy who is receiving oral copulation. The video continues to progress, and one boy inserts his penis into the anus of a boy who is in a bent-over position. The third boy then slides his body lengthwise underneath the two boys, and orally copulates the boy who is being anally penetrated. The video continues for 21 minutes total, the three boys being directed by someone off camera, and they continue to orally copulate, masturbate, and anally penetrate one another in various positions for the remainder of the video. There are numerous close-up views of the anal penetration.

In yet another video, an approximately 8-11 year old female's vagina is forcibly penetrated by an adult male penis. The video skips to the adult male penis resting on the vaginal region of the female, and there appears to be ejaculate on the genitals of the female. The young female then masturbates herself, utilizing the ejaculate as lubricant to insert her middle finger in her vagina.

Another video begins with the words "Wow and Only 5", and depicts an approximately 5-7 year-old female who is lying partially naked on a bed. The female is holding two penis-shaped sexual devices, one in each hand. The young female has inserted one of the penis-shaped devices in her vagina with one hand, and the other penis-shaped device is inserted in her anus.

In another video entitled, "playing_in_hotel-3", two approximately 7-9 year old boys are on a bed with semi-erect penises. One of the boys has what appears to be ejaculate around his semi-erect penis, and the other male is sitting up next to the first male on the bed, and also has an erection. From off-camera, the boys are handed tissues, and the first male proceeds to clean off the apparent ejaculate from around his penis, while the other male child wipes his hands on the tissue.

All of these videos and images were extracted from BURGESS' computer, copied to a DVD, and are available for the Court's review.

Subsequent to the execution of the search warrant, BURGESS was interviewed after waiving his Article 31(b) rights. During the interview, BURGESS admitted to downloading and possessing child pornography images and videos on his home computer. He further admitted to purchasing access to child pornography websites on more that five occasions. During the execution of the warrant, agents found a handwritten letter from a young female residing in Oregon. The young female was interviewed and indicated she met BURGESS one time around Christmas time several years prior, during a family gathering which involved walking and viewing Christmas displays. The young girl stated that BURGESS rubbed her shoulders and bumped his pelvis against her while doing so. She also stated that BURGESS picked her up on his hip and carried her around during this family gathering. In a separate interview, BURGESS admitted to rubbing his penis against the back of the approximately 9-10 year-old female for the purpose of getting an erection. BURGESS also stated that he picked the young female up, placed her on his hip, and carried her while rubbing her buttocks while fantasizing about having sexual intercourse with the child. BURGESS further admitted to rubbing his groin against the young girl's buttocks and the small of her back, in order to get sexually aroused. BURGESS stated that while rubbing his groin against her, he was thinking about inserting his penis in her vagina and performing oral sex on her.

Request for Sealing

It is further respectfully requested that this Court issue an Order sealing, until further order of this Court, all papers submitted in support of this complaint, including the probable cause statement and arrest warrant. Sealing is necessary because premature disclosure of the contents of this probable cause statement and related documents may cause the defendant to flee and may cause destruction of evidence and may have a negative impact on this continuing investigation.

Christiana Huntzinger
Special Agent, NCIS